

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isabelle James	Team: Squad #8	CCRB Case #: 201706351	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/01/2017 6:17 PM	Location of Incident: the lobby of and in front of § 87(2)(b)	Precinct: 28	18 Mo. SOL 2/1/2019	EO SOL 2/1/2019	
Date/Time CV Reported Tue, 08/01/2017 9:30 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 08/01/2017 9:30 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Ronnie Caraccioli	02152	936301	028 PCT
2. POF Karen Zhao	17978	961476	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ronnie Caraccioli	Discourtesy: Police Officer Ronnie Caraccioli spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Ronnie Caraccioli	Abuse: Police Officer Ronnie Caraccioli threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POM Ronnie Caraccioli	Force: Police Officer Ronnie Caraccioli used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Ronnie Caraccioli	Discourtesy: Police Officer Ronnie Caraccioli spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.POF Karen Zhao	Force: Police Officer Karen Zhao used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Ronnie Caraccioli	Abuse: Police Officer Ronnie Caraccioli threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
G.POM Ronnie Caraccioli	Discourtesy: Police Officer Ronnie Caraccioli spoke discourteously to § 87(2)(b)	§ 87(2)(b)
H.POM Ronnie Caraccioli	Force: Police Officer Ronnie Caraccioli struck § 87(2)(b) with a baton.	§ 87(2)(b)

## Case Summary

On August 1, 2017, § 87(2)(b) § 87(2)(b) filed this complaint with the CCRB via the call-processing system.

On August 1, 2017, at approximately 6:17 p.m., § 87(2)(b) called the police to report a dispute he was having with his former employer, § 87(2)(b) and his girlfriend, § 87(2)(b). § 87(2)(b) had been staying in § 87(2)(b) apartment, located at § 87(2)(b) Apt. 36 in Manhattan. § 87(2)(b) had been withholding § 87(2)(b)'s last month's pay check and § 87(2)(b) and § 87(2)(b) belongings because he believed that § 87(2)(b) had stolen one of his tools. § 87(2)(b) called the police and explained that he needed the officers to assist him in retrieving his belongings and his last pay check. § 87(2)(b) waited for the officers on the corner of § 87(2)(b) § 87(2)(b) while § 87(2)(b) waited in the lobby.

Two officers, Police Officer Ronnie Caraccioli and Police Officer Karen Zhao of the 28<sup>th</sup> Precinct, responded. § 87(2)(b) explained to the officers the dispute between him and § 87(2)(b) and PO Caraccioli told § 87(2)(b) they would go upstairs to speak to § 87(2)(b) to further assess the situation. § 87(2)(b) was becoming frustrated with PO Caraccioli because when he repeated what § 87(2)(b) was saying back to him, he was missing what § 87(2)(b) believed were important facts. When § 87(2)(b) attempted to correct PO Caraccioli, he allegedly replied, “I’ll tell you what the fuck is going on. I know what the fuck is going on so I’ll tell you what the fuck is going on” (**Allegation A**). PO Caraccioli then allegedly further said to § 87(2)(b) “You stay right the fuck there” (**Allegation A continued**). § 87(2)(b) told PO Caraccioli that he did not understand what he was saying and PO Caraccioli replied, “You need to watch what you’re saying or I’m going to lock you up” (**Allegation B**). PO Caraccioli then said, “Stay the fuck there or I’ll lock you up” (**Allegation A continued** and **Allegation B continued**). PO Caraccioli and PO Zhao then turned to walk into the front entrance of § 87(2)(b).

When they approached the entrance of the building, the officers were let in by § 87(2)(b) who was holding the front door open. § 87(2)(b) followed the officers inside the lobby and an unidentified female individual, who was a resident of the building, began speaking to the officers. She stated that some of the residents of the building had seen § 87(2)(b) and § 87(2)(b) smoking crack inside the building. In response to the female individual's statement, § 87(2)(b) began raising her voice, telling the officers that the female individual was lying. PO Caraccioli then commanded § 87(2)(b) to wait outside while the officers conducted an investigation.

§ 87(2)(b) grabbed her backpack off the ground to comply with PO Caraccioli's command to leave the lobby. At the same time, PO Caraccioli went to grab § 87(2)(b) arm. PO Caraccioli then pushed § 87(2)(b) out of the lobby to the vestibule of the building and then onto the ground outside the building (**Allegation C**). While initially pushing § 87(2)(b) PO Caraccioli allegedly said, "Stop resisting. Shut the fuck up and get out of the building" (**Allegation D**). While on the ground, PO Caraccioli and PO Zhao attempted to handcuff § 87(2)(b) PO Zhao was able to successfully handcuff § 87(2)(b) right wrist. § 87(2)(b) felt that she was being wrongfully

arrested and resisted being handcuffed by moving her arms around, kicking the officers, and biting PO Zhao on her arm. The officers were attempting to restrain § 87(2)(b) arms and legs so that they could handcuff her (**Allegation C continued** and **Allegation E**). While § 87(2)(b) was struggling with the officers, § 87(2)(b) approached § 87(2)(b) and told her to stop resisting the officers. As § 87(2)(b) approached § 87(2)(b) and the officers, PO Caraccioli extended his asp, pointed it towards § 87(2)(b) and allegedly said, “I said stay the fuck back” (**Allegation F** and **Allegation G**).

During the struggle, PO Caraccioli was able to roll § 87(2)(b) over so she was on her stomach. While on her stomach, PO Caraccioli allegedly extended § 87(2)(b) left arm behind her body and struck her once in the upper arm with his asp (**Allegation H**). Immediately, § 87(2)(b) knew her arm was broken and both of the officers let go of § 87(2)(b). PO Caraccioli then called for an ambulance and backup to respond to their location. § 87(2)(b) was then removed to § 87(2)(b) Hospital in Manhattan for treatment.

§ 87(2)(b) sustained a fractured left humerus as a result of this incident. § 87(2)(b) arm fracture required surgery and the placement of plates and screws in her arm to set the break.

This incident was captured on surveillance video footage showing the vestibule of § 87(2)(b). A Snag-It copy of the video is embedded below and the full surveillance footage can be viewed in IAs #81-85.

§ 87(2)(b) was charged with Resisting Arrest, Obstructing Government Administration, and Disorderly Conduct as a result of this incident.



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#### **Mediation, Civil and Criminal Histories**

- This case is ineligible for mediation due to § 87(2)(b) arrest, § 87(2)(b) intention to file a lawsuit in regards to this incident, and because § 87(2)(b) sustained a left humerus fracture requiring surgical intervention as a result of this incident.
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint involving § 87(2)(b) (**Board Review 4**).
- This is the first CCRB complaint involving § 87(2)(b) (**Board Review 5**).

- PO Caraccioli has been a member of the NYPD for 12 years and has three prior allegations pleaded against him involving three cases. In case number 200709721, an allegation of Force – physical force was pleaded against PO Caraccioli and was closed as exonerated. PO Caraccioli has no prior substantiated allegations.
- PO Zhao has been a member of the NYPD for one year and has no prior CCRB allegations pleaded against her.

### **Potential Issues**

Neither § 87(2)(b) nor § 87(2)(b) brought photo identification to their interviews at the CCRB. The investigation was unable to obtain copies of § 87(2)(b) and § 87(2)(b) identifications after multiple attempts to follow up on obtaining § 87(2)(b) and § 87(2)(b) identifications after their interviews. The investigation was able to verify § 87(2)(b) identity using her arrest photograph. However, the investigation was not able to verify § 87(2)(b)'s identity.

### **Findings and Recommendations**

#### **Allegations Not Pleaded**

**An officer spoke discourteously to § 87(2)(b) § 87(2)(b)**

**An officer threatened to arrest § 87(2)(b) § 87(2)(b)**

During his statement to the CCRB, § 87(2)(b) alleged while § 87(2)(b) PO Caraccioli, and PO Zhao were struggling on the ground outside of § 87(2)(b) a female individual, who he believed to be a plainclothes officer, ran towards him and said, “Why don’t you let the officer do his fucking job or I’ll lock you up to.” PO Caraccioli testified that he spoke to the female individual who approached § 87(2)(b) after § 87(2)(b) was in the custody of EMS, and she identified herself as § 87(2)(b) identified herself as a New York City Corrections Officer who was off-duty at the time of the incident. PO Caraccioli recorded § 87(2)(b)'s name and contact information in his memo book. Because the investigation has determined that § 87(2)(b) is not a member of the NYPD, the aforementioned allegations have not been pleaded.

**Police Officer Ronnie Caraccioli refused to provide his name and shield number upon request.**

During his statement to the CCRB, § 87(2)(b) alleged that he asked PO Caraccioli for his name and shield after § 87(2)(b) arm was broken and PO Caraccioli called for EMS. PO Caraccioli replied, “No, I can’t give that to you right now because I’m busy. You’ll have to get that from my precinct later.” A while later, two officers approached § 87(2)(b) and gave him a piece of paper with PO Caraccioli’s name, shield number, and precinct listed. Because PO Caraccioli’s name and shield number were provided to § 87(2)(b) and because it was reasonable for PO Caraccioli to not provide his name and shield while calling for EMS, the allegation that PO Caraccioli refused to provide his name and shield number to § 87(2)(b) has not been pleaded.

**Allegation A – Discourtesy: Police Officer Ronnie Caraccioli spoke discourteously to**

§ 87(2)(b) § 87(2)(b)

**Allegation B – Abuse of Authority: Police Officer Ronnie Caraccioli threatened to arrest**

§ 87(2)(b) § 87(2)(b)

On August 1, 2017, § 87(2)(b) § 87(2)(b) called 911 to report a dispute he was having with his former employer, § 87(2)(b) (**Board Review 6**). When PO Caraccioli and PO Zhao responded to § 87(2)(b) in Manhattan and began speaking to § 87(2)(b) § 87(2)(b) became frustrated because he did not believe PO Caraccioli was listening to him. When he attempted to explain the situation again, PO Caraccioli allegedly replied, “I’ll tell you what the fuck is going on. I know what the fuck is going on so I’ll tell you what the fuck is going on”. PO Caraccioli then allegedly further said to § 87(2)(b) “You stay right the fuck there”. § 87(2)(b) told PO Caraccioli that he did not understand what he was saying and PO Caraccioli replied, “You need to watch what you’re saying or I’m going to lock you up”. PO Caraccioli then said, “Stay the fuck there or I’ll lock you up”. PO Caraccioli and PO Zhao then turned to walk into the front entrance of § 87(2)(b) At the time of § 87(2)(b) § 87(2)(b) s conversation with the officers, § 87(2)(b) was inside the lobby of § 87(2)(b)

PO Zhao testified that § 87(2)(b) § 87(2)(b) approached her and PO Caraccioli as they exited their police car on the corner of Morningside Avenue and 118<sup>th</sup> Street (**Board Review 7**). § 87(2)(b) § 87(2)(b) explained that he needed assistance retrieving his belongings from inside § 87(2)(b) § 87(2)(b) apartment. § 87(2)(b) was speaking to the officers in a calm tone of voice. PO Zhao denied hearing PO Caraccioli say any of the aforementioned statements or use profanity at all during this incident. PO Zhao did not hear PO Caraccioli threaten to “lock up” § 87(2)(b) or threaten to arrest him at any point.

During his statement to the CCRB, PO Caraccioli stated that § 87(2)(b) § 87(2)(b) approached the officers and identified himself as the caller (**Board Review 8**). § 87(2)(b) § 87(2)(b) explained that § 87(2)(b) had been withholding his belongings inside his apartment and owed him money. § 87(2)(b) asked the officers to retrieve his belongings and the money he was owed. PO Caraccioli explained to § 87(2)(b) that the officers could not just walk into an apartment and take belongings and told § 87(2)(b) that he and PO Zhao would go upstairs and speak to § 87(2)(b) Upon hearing PO Caraccioli’s reply, § 87(2)(b) became angry and appeared disappointed. § 87(2)(b) then began raising his voice at PO Caraccioli and PO Caraccioli told PO Zhao to re-explain what he had just said to § 87(2)(b) When § 87(2)(b) would not listen to PO Zhao, PO Caraccioli told § 87(2)(b) to wait on the corner while they spoke to § 87(2)(b) The officers then turned to walk into the lobby of the building.

Throughout his conversation with § 87(2)(b) PO Caraccioli was speaking in a calm, level tone of voice. PO Caraccioli denied making any of the aforementioned statements and denied using any profanity towards § 87(2)(b) throughout this incident. PO Caraccioli denied threatening to “lock up” § 87(2)(b) at any point and denied threatening to arrest him at any point. PO Caraccioli did not observe § 87(2)(b) making any arrestable offenses throughout this incident. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation C – Force: Police Officer Ronnie Caraccioli used physical force against**

§ 87(2)(b)

**Allegation D – Discourtesy: Police Officer Ronnie Caraccioli spoke discourteously to**

§ 87(2)(b)

**Allegation E – Force: Police Officer Karen Zhao used physical force against**

§ 87(2)(b)

**Allegation F- Abuse of Authority: Police Officer Ronnie Caraccioli threatened**

§ 87(2)(b)

§ 87(2)(b) **with the use of force.**

**Allegation G – Discourtesy: Police Officer Ronnie Caraccioli spoke discourteously to**

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) testified that while she was inside the lobby of § 87(2)(b) a female resident of the building told the officers that § 87(2)(b) and § 87(2)(b) had been smoking crack in the building (**Board Review 9**). PO Caraccioli then commanded § 87(2)(b) to leave the building while the officers assed the situation. § 87(2)(b) reached down to retrieve her backpack and PO Caraccioli grabbed her wrist. PO Carracioli and PO Zhao then pushed § 87(2)(b) out of the lobby into the vestibule and then outside the building. When asked to describe where the officers were coming into contact with her and how they were pushing her further, § 87(2)(b) was unable to describe the officer's actions.

Once outside the building, PO Caraccioli pushed § 87(2)(b) backwards and § 87(2)(b) fell to the ground. While on the ground, the officers were attempting to restrain § 87(2)(b) arms behind her back; however, § 87(2)(b) was fighting the officers by biting PO Zhao, kicking both officers, and moving her body back and forth. § 87(2)(b) stated she was, “doing everything I could to get them off me.” § 87(2)(b) believed that she landed some of her kicks on the officers.

§ 87(2)(b)'s testimony was generally consistent with § 87(2)(b) statement. § 87(2)(b) testified that when the officers went inside the building, he waited outside on the corner. Approximately 15 seconds after the officers entered the building, § 87(2)(b) heard § 87(2)(b) yelling, “Get the fuck off me.” PO Caraccioli allegedly replied, “Stop resisting. Shut the fuck up. Get out of the building.” § 87(2)(b) then saw PO Caraccioli dragging § 87(2)(b) from her chest from behind using his arm. While § 87(2)(b) was dragged across the threshold, she tripped on the bottom of the door frame and fell to the ground. Once on the ground, the officers attempted to restrain § 87(2)(b) arms and legs to handcuff her. § 87(2)(b) was moving her arms around. PO Zhao was able to handcuff § 87(2)(b) right wrist, but § 87(2)(b) began kicking the officers while they continued to attempt to restrain her legs and left arm.

§ 87(2)(b) then stated that as he saw PO Caraccioli extend his baton from his utility belt and hit § 87(2)(b) in the upper arm, he approached PO Caraccioli while yelling, “You just fucked up. You broke my girlfriend's arm.” PO Caraccioli stood up, pushed out his

chest, and extended his arm carrying the asp and swung it back and forth while saying, “I said stay the fuck back.” § 87(2)(b) was approximately 20 feet from PO Caraccioli and § 87(2)(b) at that time.

PO Zhao testified that when PO Caraccioli commanded § 87(2)(b) to leave the lobby, § 87(2)(b) grabbed her backpack from the floor of the lobby and left the building. The officers followed § 87(2)(b) out of the building and then waited in the vestibule to be buzzed back inside the lobby. § 87(2)(b) then came back into the vestibule and began yelling at the officers. PO Zhao stated that PO Caraccioli then grabbed § 87(2)(b) by the arm and pushed her through the doorway. PO Caraccioli was maintaining a hold on § 87(2)(b) arm while walking her backwards. PO Zhao saw that § 87(2)(b) ended up on the ground outside of the building, but she did not see how § 87(2)(b) came to be on the ground. PO Zhao did not see § 87(2)(b) stumble or fall backwards.

Once on the ground, § 87(2)(b) was lying on her back and was moving her arms around and attempting to kick the officers. The officers were both attempting to restrain § 87(2)(b) arms and legs so that they could turn her body over to handcuff her. PO Zhao was able to successfully handcuff § 87(2)(b) right wrist. As the officers turned § 87(2)(b) over onto her stomach, § 87(2)(b) turned her head and bit PO Zhao’s right bicep. The bite did not break the skin, but caused a welt and redness around the bite. PO Zhao then commanded § 87(2)(b) to stop biting her. Throughout the struggle, both officers commanded § 87(2)(b) to stop resisting multiple times.

At some point while the officers were attempting to gain control of § 87(2)(b) § 87(2)(b) approached them. Once § 87(2)(b) was within five feet of the officers, PO Caraccioli commanded him to get back. When § 87(2)(b) attempted to approach § 87(2)(b) and the officers further, PO Caraccioli removed his asp from his utility belt, extended it, and commanded § 87(2)(b) to get back a second time. He then held his asp to the side, attempting to block anyone from being able to interfere with the officers restraining § 87(2)(b). PO Zhao did not see PO Caraccioli point his asp directly at § 87(2)(b). When § 87(2)(b) began to back away, PO Caraccioli placed his asp back in his utility belt. PO Caraccioli was then able to force § 87(2)(b) hand behind her back, at which point, PO Zhao heard a “pop”. PO Caraccioli and PO Zhao immediately let go of § 87(2)(b). PO Zhao did not see how PO Caraccioli was holding § 87(2)(b) left arm at the time of the “pop” because she was focused on restraining § 87(2)(b) handcuffed right arm.

As discussed above, PO Zhao also stated that PO Caraccioli did not use profanity at any point during the incident, and he did not say to § 87(2)(b) “Shut the fuck up.” PO Zhao also stated that PO Caraccioli did not say to § 87(2)(b) “I said stay the fuck back.” PO Zhao’s statement regarding the force used by both § 87(2)(b) and herself is consistent with the Threat of Injury Resistance Form PO Zhao completed immediately after this incident (**Board Review 10**).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) PO Caraccioli did not fall back as a result of the shove. § 87(2)(b) then began to kick PO Caraccioli in the knees between five and seven

times. PO Caraccioli then stated, “That’s it, you’re under arrest,” and went to grab § 87(2)(b) arms so that he could handcuff her. When PO Caraccioli attempted to grab her arms, § 87(2)(b) began moving her arms around and walking backwards. PO Caraccioli testified that he did not push § 87(2)(b) out of the building, § 87(2)(b) tripped while walking backwards in an attempt to evade being handcuffed. PO Caraccioli testified that he did not use profanity at all towards § 87(2)(b) or § 87(2)(b) during this incident and he did tell say, “Shut the fuck up” or, “I said stay the fuck back.”

Once PO Caraccioli had turned § 87(2)(b) over so that she was on her stomach, he was able to force her left arm behind her back. At that time, he heard a “pop” and knew immediately by § 87(2)(b) reaction that her arm was injured. PO Caraccioli immediately let go of § 87(2)(b) arm and called for an ambulance. PO Caraccioli felt that he used as little forces as necessary to attempt to restrain § 87(2)(b) and stated that he was intending to force § 87(2)(b) arm behind her back; however, he did not intend to break her arm. PO Caraccioli further stated that he believed § 87(2)(b) arm was broken by a combination of how she was moving her body to resist being handcuffed and the force he used to force her arm behind her back. PO Caraccioli’s statement regarding the force used by both § 87(2)(b) and him is consistent with the Threat of Injury Resistance Form PO Caraccioli completed immediately after this incident (**Board Review 11**).



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The video of this incident embedded above shows § 87(2)(b) leaving the lobby of the building and then returning to the vestibule to continue to speak to the officers. PO Caraccioli approaches § 87(2)(b) and then blocks her body with his. The video shows PO Caraccioli then grab § 87(2)(b) upper arms and begin pushing her backwards out of the building. § 87(2)(b) either trips or is guided to the ground by PO Caraccioli while PO Zhao attempts to restrain § 87(2)(b) right arm. Once on the ground, § 87(2)(b) moves her body and arms around and attempts to kick both officers. PO Zhao is on § 87(2)(b) right and is able to handcuff her right wrist. PO Caraccioli is on § 87(2)(b) left side, attempting to gain control of her arms and move her onto her stomach to handcuff both wrists behind her back. Approximately three to five seconds after being moved onto her stomach, the officers immediately let go and back away from § 87(2)(b) then sits up, holding her left arm, moving back and forth as if in pain.

§ 87(2)(b) medical records from her treatment at § 87(2)(b) Hospital state that § 87(2)(b) sustained a left humerus break while in police custody that required surgical intervention (**Board Review 12**). When asked to describe how she injured her arm to medical personnel for her medical records, § 87(2)(b) stated both that she injured her upper arm while being arrested and that PO Caraccioli struck her with an asp in her upper arm.

New York State Penal Law 195.05 states that a person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved (**Board Review 13**).



New York State Penal Law 205.30 states that a person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person (**Board Review 14**).

Patrol Guide Procedure 221-02 states that an officer should take necessary action to protect life and personal safety of all persons present, including the subjects placed into custody. To do so, the officer should apply no more than the reasonable force necessary to gain control (**Board Review 15**).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation H – Force: Police Officer Ronnie Caraccioli struck § 87(2)(b) with a baton.**

§ 87(2)(b) testified that after struggling with the officers for approximately 30 seconds on the ground, she was turned over onto her side. § 87(2)(b) then felt PO Caraccioli extend her left arm behind her and an asp hit her left upper arm. PO Caraccioli did not issue § 87(2)(b) any commands before hitting her with the asp and § 87(2)(b) did not see the asp until after she was struck. Immediately after being struck with the asp, § 87(2)(b) heard a “pop” and immediately knew that her left humerus was broken. Once she was struck with the asp, the officers backed away from § 87(2)(b) and PO Caraccioli called for an ambulance over the radio.

§ 87(2)(b)'s statement was consistent with § 87(2)(b) statement regarding the alleged asp strike.

PO Zhao denied seeing PO Caraccioli strike § 87(2)(b) with an asp at any point during the incident. PO Zhao stated that the only time PO Caraccioli's asp was out of his utility belt was when he used the asp to ward off § 87(2)(b) as described above.

PO Caraccioli denied striking § 87(2)(b) with his asp at any point during the incident. PO Caraccioli stated that he took out and extended his asp to command § 87(2)(b) to get back. He then stated that he placed his asp on the ground to keep it close to him because PO Caraccioli could see a crowd of people gathering in the street.

The video embedded above showing this incident § 87(2)(g) It shows PO Caraccioli placing the asp on the ground after using it to command § 87(2)(b) to back up. A few seconds later, PO Caraccioli then reaches out of the frame of the video towards the asp with his right hand and then quickly brings his right hand back to continue restraining § 87(2)(b) When asked what he was doing at that point in the video, PO Caraccioli stated he was making sure that the asp did not roll off the stoop because he wanted to

keep the asp close to him. When asked why, PO Caraccioli stated that he could see a crowd gathering in the street and wanted to make sure he had access to his asp in case it was necessary for him to use it. At no point in the video is PO Caraccioli seen striking § 87(2)(b) with his asp.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED].

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Squad: **9**

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date